

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRYCE HAMILTON NEWBREAST,

Defendant.

**CR-10-17-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 8, 2021. (Doc. 59.) The Government filed an objection on January 11, 2021. (Doc. 60.) The Court reviews de novo findings and recommendations to which a party objects. 28 U.S.C. § 636(b)(1).

Judge Johnston conducted a revocation hearing on January 5, 2021. (Doc.54.) The United States accused Newbreast of violating his conditions of supervised release by 1) failing to successfully complete his sex offender treatment program; 2) by failing to report for substance abuse testing; 3) by viewing sexually explicit images on the internet; and 4) by possessing materials depicting sexually

explicit conduct. (Doc. 50.) At the revocation hearing, Newbreast admitted to violating the conditions of his supervised release 1) by failing to successfully complete his sex offender treatment program; 2) by failing to report for substance abuse testing; and 3) by possessing materials depicting sexually explicit conduct. Newbreast denied alleged violation 3. The Court dismissed alleged violation 3 on the government's motion. Judge Johnston found the violations Newbreast admitted is serious and warrants revocation of Newbreast's supervised release. (Doc. 54.)

The government now opposes Judge Johnston's Findings and Recommendations, objecting to the 57 months of supervised release that Judge Johnston recommended. (Doc. 60.)

The Court conducted a revocation hearing on February 10, 2021. (Doc. 62.) The Court has also considered the 18 U.S.C. § 3553(a) factors and agrees with Judge Johnston's Findings and Recommendations in part. Newbreast's violations of his conditions represent a serious breach of the Court's trust. These violations proves serious. Judge Johnston has recommended that the Court revoke Newbreast's supervised release and commit Newbreast to the custody of the Bureau of Prisons for 3 months. (Doc.86 at 4.) Judge Johnston further has recommended a term of 57 months of supervised release follow his term of

custody, with the first 6 months of supervised release spent in a residential re-entry center in Billings, Montana. (*Id.*) Accordingly,

**IT IS HEREBY ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 59) are DENIED IN PART and ADOPTED IN PART.

**IT IS FURTHER ORDERED** that Defendant BRYCE HAMILTON NEWBREAST be sentenced to the custody of the Bureau of Prisons for a term of 3 months, followed by 90 months of supervised release. The first 6 months of supervised release should be spent in a residential re-entry center in Billings, Montana.

DATED this 10th day of February, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court

